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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,745	09/15/1999	Dane K Fisher	38-21(15454)B	4816
7590	04/18/2005		EXAMINER	
MONSANTO COMPANY LAWRENCE M LAVIN JR 800 N LINDBERGH BOULEVARD MAILZONE N2NB ST LOUIS, MO 63167			KIM, YOUNG J	
			ART UNIT	PAPER NUMBER
			1637	
			DATE MAILED: 04/18/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

04132005

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Commissioner for Patents

Remarks

The reply brief filed on January 11, 2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

It should be noted that the reply brief does not include a copy of claim 11 (although it appears that claim 11 is still pending and appealed).

The Examiner's Answer mailed on November 12, 2004, on page 3, addresses that the novel SEQ ID Number 5893 (indicated in Office Action mailed on March 18, 2002), rendered novel a combination of nucleic acids including SEQ ID NO: 5893. Claim reflecting this embodiment is claim 11.

Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Young J. Kim whose telephone number is (571) 272-0785. The Examiner is on flex-time schedule and can best be reached from 8:30 a.m. to 4:30 p.m. The Examiner can also be reached via e-mail to Young.Kim@uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route.

If attempts to reach the Examiner by telephone are unsuccessful, the Primary Examiner in charge of the prosecution, Dr. Kenneth Horlick, can be reached at (571) 272-0784. If the attempts to reach the above Examiners are unsuccessful, the Examiner's supervisor, Gary Benzion, can be reached at (571) 272-0782.

Papers related to this application may be submitted to Art Unit 1637 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant does submit a paper by FAX, the original copy should be retained

by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office. All official documents must be sent to the Official Tech Center Fax number: (571) 273-8300. For Unofficial documents, faxes can be sent directly to the Examiner at (571) 273-0785. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.



Young J. Kim
Patent Examiner
Art Unit 1637
4/14/05

YOUNG J. KIM
PATENT EXAMINER

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